

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CHARLES DANIELS, Jr.,

Plaintiff,

-vs-

Case No. 13-C-489

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security,**

Defendant.

DECISION AND ORDER

On May 10, 2013, the Court issued an order dismissing Charles Daniels' social security appeal because it was barred by the doctrine of claim preclusion and also because it was untimely. A few days later, Daniels filed a letter asking the Court to reconsider. To reiterate, Daniels already appealed the denial of benefits and lost. *Daniels v. Astrue*, Case No. 12-C-958-LA (E.D. Wis.). Daniels insists, like he did in his complaint, that he would have won if he had provided certain documents. Newly-discovered evidence is an exception to claim preclusion if the evidence was either fraudulently concealed or it could not have been discovered with due diligence, *see e.g. L-Tec Elec. Corp. v. Cougar Elec. Org., Inc.*, 198 F.3d 85, 88 (2d Cir. 1999), but Daniels' filings suggests that his "evidence" is not newly-discovered. In any event, the administrative process ran its course and the time for appeal to the district court has long since passed.

Daniels' motion to reconsider [ECF No. 6] is **DENIED**.

Dated at Milwaukee, Wisconsin, this 20th day of May, 2013.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge